

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TYEHSHA GRAY,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE  
CHRISTOPHER SCHILLING, shield number 6516,  
POLICE OFFICERS JOHN AND JANE DOES 1-5,

Defendants.  
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**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISCONTINUANCE**

08 CV 2210 (SJ)(JO)

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about June 2, 2008, alleging, *inter alia*, that defendants violated her federal civil rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiff has authorized her counsel to settle this matter on the terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff the total sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) in full satisfaction of all claims,

including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the City of New York and Detective Christopher Schilling, and to release the City of New York, Detective Christopher Schilling, the individuals referred to in the caption as "Police Officers John and Jane Does 1-5," and any present or former employees or agents of the City of New York, and their successors or assigns, from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens or an Affidavit Concerning Liens, whichever applies.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed


upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
Sept. 29, 2008

Richard J. Cardinale, Esq..  
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MICHAEL A. CARDOZO  
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(212) 788-8684


By:

  
Richard J. Cardinale, Esq.

By:

  
Maurice L. Hudson  
Assistant Corporation Counsel

SO ORDERED: on this 8<sup>th</sup> day of Oct. 2008.

s/b Judge Johnson  
  
Honorable Sterling Johnson, Jr.  
United States Senior District Judge